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General debate on national experience in population matters: assessment of the status of implementation of the Programme of Action of the International Conference on Population and Development

Statement submitted by Amnesty International, a non-governmental organization in consultative status with the Economic and Social Council

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.

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Statement

Amnesty International welcomes the opportunity provided by the forty-seventh session of the Commission on Population and Development to assess the status of implementation of the Programme of Action of the 1994 International Conference on Population and Development.

The International Conference on Population and Development prompted an unprecedented shift in thinking about population and development, broadening international focus from narrow considerations of population control towards a more comprehensive vision that reflected the importance of gender equality and human rights. The resulting Programme of Action affirmed that population policies could no longer operate in isolation, removed from economic and social development agendas, particularly as they relate to women's empowerment. It also provided a strong framework for a comprehensive and human rights-based approach to sexual and reproductive health and rights specifically, recognizing that gender equality, equity and women's empowerment are crucial to effective population and development strategies.

Since 1994, some important steps have been taken to realize the political commitments contained in the Programme of Action. However, progress has been generally uneven and slower than desirable across all regions. For example, while there have been positive developments in the provision of certain reproductive health services, such as antenatal care, progress has been inadequate on other commitments, such as access to safe abortion and comprehensive sexuality education.

Moreover, many States have failed to adequately address major barriers that impede the effective realization of women's and girls' sexual and reproductive health and rights, such as discriminatory laws and policies, as well as discriminatory attitudes and practices evident in State institutions, communities and families. Gender-based violence and the experience of multiple and intersecting forms of discrimination continue to exacerbate marginalization and limit women's and girls' ability to fully enjoy their personal autonomy and sexual and reproductive health and rights.

Political commitments in the Programme of Action also need to be strengthened to better reflect the normative developments and progressive political consensuses on sexual and reproductive health and rights developed by international and regional bodies over the past two decades.

As part of the operational review of the Programme of Action, national, regional and thematic consultations in 2012 and 2013 recognized the challenges and gaps in its implementation. The outcome documents of many of these consultations not only reaffirmed the political commitments made in 1994, but also recognized developments in human rights standards since that time, and suggested stronger and more comprehensive protections for sexual and reproductive health and rights.

At the forty-seventh session of the Commission on Population and Development, States must take into consideration the strong and progressive consensus reached during the review consultations regarding the challenges and gaps in the implementation of the Programme of Action. Gender equality and the full realization of all human rights must be at the centre of all discussions during the session, and must feed into the deliberations of the post-2015 agenda. States must

ensure that the present session reaffirms a strong and progressive approach to ensuring that sexual and reproductive health and rights are enjoyed by all.

In particular, Amnesty International urges States to recognize the need for strengthened commitments in the following areas, where progress thus far has been inadequate.

Sexual and reproductive rights

There must be full recognition, protection and implementation of sexual and reproductive rights as human rights. Sexual and reproductive rights encompass several entitlements and freedoms linked to the preservation of dignity in the sexual and reproductive realms, including the rights to health, life, information, non-discrimination, freedom of expression and the right to choose when and how many children to have, if any.

States must respect, protect and fulfil these rights, and implement laws, policies and programmes that empower all individuals to make informed decisions and have autonomy over their choices regarding sexuality and reproduction, free from coercion, discrimination or violence. States must also take steps to reform laws, policies and guidelines that impose criminal or punitive sanctions for the exercise of those rights. These include, among others, laws that criminalize abortion, conduct during pregnancy, same-sex relations and consensual sex between adults and between adolescents, which fail to respect the principles of evolving capacity and meaningful consent. States must further protect individuals' sexual and reproductive rights from violations committed by non-State actors.

Right to equality and non-discrimination

States have an immediate and ongoing obligation to ensure equality and non-discrimination. However, specific groups remain underserved and excluded from the benefits of programmes on sexual and reproductive health and rights. Pervasive gender-based discrimination has substantially impeded progress, and human rights violations persist, including child, early and forced marriage; forced sterilization and other harmful practices; as well as denial of autonomy to women and girls to make decisions about their sexual and reproductive health free from discrimination, coercion and violence.

Gender equality

States must review and reform all laws, regulations and policies that have a discriminatory impact on women, girls and persons with diverse gender identities, and implement programmes and policies aimed at promoting gender equality and removing stereotypes. Multiple and intersecting forms of discrimination can compound the experience of injustice and marginalization of women and girls, and non-conforming individuals. States have an obligation to tackle these forms of discrimination, including through specific policies and programmes.

In addition to targeting women and girls, Governments must also develop programmes aimed at men, boys, families and community members that address the attitudes and beliefs that lie at the core of pervasive gender discrimination. Measures must include preventing gender-based violence, ensuring that survivors of gender-based violence can access effective remedies, and ending impunity for

perpetrators. Where certain forms of gender-based violence are claimed to be justified by culture, religion or tradition, States must enact laws that prohibit such harmful practices and raise awareness about their detrimental health consequences.

States must also collect data disaggregated on the basis of gender and for other groups identified as facing discrimination to ensure progress towards the realization of sexual and reproductive rights for all.

Universal access to quality, comprehensive, integrated sexual and reproductive health

Progress towards achieving universal access to sexual and reproductive health services has been insufficient and uneven. Maternal mortality is still unacceptably high, especially among the poorest and most marginalized women. Services are often not sufficiently available, accessible, affordable or of good quality. For example, lack of access to skilled birth attendants and unsafe abortion continue to contribute to a significant proportion of maternal deaths.

Women and girls continue to face a range of legal, social, cultural, economic and structural barriers in accessing the services they need, such as transport costs and user fees, discriminatory treatment by medical personnel, or the requirement for third-party consent to access family planning and contraceptives.

Vital access to sexual and reproductive health services is also often severely compromised by institutional discrimination on the grounds of sexual orientation, gender identity, race, age, language, ethnicity, religion, residence, nationality, indigenous status, disability, or health, marital or economic status. For example, the provision of sexual and reproductive health services and information continues to be geared towards the experience and needs of those who conform to particular gender roles. Exclusion, harassment and discrimination on the part of health personnel because of an individual's real or perceived sexual orientation or gender identity remain a serious concern in many countries.

Comprehensive sexuality education

States must ensure that children and adolescents are provided with comprehensive sexuality education based on accurate information about sexuality, sexual health, reproduction, human rights and empowerment, non-discrimination, gender equality and gender roles, sexual behaviour, sexual abuse, gender-based violence and harmful practices. These programmes must be gender sensitive, evidence-based and respect the evolving capacity of children and adolescents, and must provide them with the information and skills necessary to manage decision-making and personal autonomy.

Participation

In deciding on priorities and in designing, planning, implementing and monitoring policies and programmes related to sexual and reproductive health and rights, States must create opportunities for equal, effective and meaningful participation by all individuals, in particular those from marginalized groups or groups that are affected by such initiatives. States must also ensure that women human rights defenders can carry out their activities free from coercion, intimidation and attacks.

Accountability and effective remedies for violations of sexual and reproductive rights

All victims of human rights violations have a right to an effective remedy and to compensation. In many countries, there are no effective mechanisms for filing complaints when the right to health or the sexual and reproductive rights of individuals are violated, leaving victims with little or no recourse.

States must effectively monitor the implementation of sexual and reproductive health programmes and policies and provide all individuals, in particular those at risk of discrimination, with mechanisms for addressing their grievances. States must also ensure that everyone can use the law to enforce their rights without discrimination and access effective remedies when their sexual and reproductive health and rights are violated.